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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 22 2005

In re patent application of:

Dean F. BOYER et al.

Serial No. 09/690,940

Filed October 18, 2000

POINT OF SERVICE THIRD PARTY

FINANCIAL MANAGEMENT VEHICLE

FOR THE HEALTHCARE INDUSTRY

Before the Examiner

Pedro R. Kanof

Group Art Unit 3628

April 22, 2005

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER AN ISSUED PATENT**

MAIL STOP AMENDMENT

Commissioner for Patents

Washington, D.C. 20231

Sir:

Petitioner, RealMed Corporation, is the owner of one hundred percent (100%) interest in and to Application Serial No. 09/690,940, filed on October 18, 2000 for a POINT OF SERVICE THIRD PARTY FINANCIAL MANAGEMENT VEHICLE FOR THE HEALTHCARE INDUSTRY.

Petitioner hereby disclaims, except as provided hereafter, the terminal part of the statutory term of any patent granted on the Instant Application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154-156 and 173, as shortened by any terminal disclaimer filed prior to its grant, of United States Patent No. 6,208,973, issued March 27, 2001, for POINT OF SERVICE THIRD PARTY FINANCIAL MANAGEMENT VEHICLE FOR THE HEALTHCARE INDUSTRY (hereafter the "Issued

Patent"). Petitioner is also the owner of one hundred percent (100%) interest in and to U.S. Patent No. 6,208,973.

Petitioner agrees that any patent granted on the Instant Application shall be enforceable only for and during such period that it and said Issued Patent are commonly owned. This agreement runs with any patent granted on the Instant Application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, Petitioners do not disclaim the terminal part of any patent granted on the Instant Application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and 173 of said Issued Patent, as shortened by any terminal disclaimer filed prior to the grant of said Issued Patent, in the event that said Issued Patent: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321; has all claims cancelled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Finally, a check in the amount of \$65.00 is being submitted herewith for the statutory disclaimer fee for a small entity, as set forth in 37 CFR 1.20(d).

No additional fees are believed to be necessary, however, should any fees be deemed required, the Commissioner is authorized to charge such fees to Deposit Account No. 23-3030, but is not to include payment of issue fees.

By: C. David Emhardt  
Printed Name: C. David Emhardt  
Title: Attorney for Owner, RealMed Corporation